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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,284	11/19/2003	John M. Harvey	020070	1067
23696	7590	12/09/2005	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			BUGG, GEORGE A	
			ART UNIT	PAPER NUMBER
			2636	
DATE MAILED: 12/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/718,284	Applicant(s) HARVEY, JOHN M.	
	Examiner George A. Bugg	Art Unit 2636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) 7 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 8-11, and 13, are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,263,824 to Waldbeser et al.

3. With regard to claims 1 and 8, column 4, lines 27-33, disclose an operator who responds to a hazardous situation, by initiating an emergency shutdown, which closes dispensing valves on a tanker trunk. The vehicle operator, in this case, is the means for detecting a hazard event. The remote hand-held transmitter sends a signal to the receiver on the tanker truck; shown as Element 58, once the EMERGENCY SHUTDOWN mode is selected by the operator, upon determining that an emergency situation exists. In turn, the receiver sends a signal to a solenoid, or valve operating means, which closes the intake and outlet valves, shown as Elements 17, 19, and 82, in Figure 2, and further taught in column 4, lines 53-67. The solenoid controls the operation of valve, in response to a hazard event.

4. As for claims 2 and 9, column 2, lines 21-25 of the Waldbeser reference teach a system for closing dispensing valves on a tanker trunk, remotely, in the event of a

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chemical spill or fire. Both such scenarios constitute a hazard event associated with a condition of the vehicle, and both are detectable by the operator of the tanker.

5. As for claims 3 and 10, the EMERGENCY SHUTDOWN mode is selected by the operator, as stated above.

6. With regard to claims 4 and 11, the EMERGENCY SHUTDOWN signal is sent remotely.

7. With respect to claims 6 and 13, the Waldbeser reference teaches a user initiated signal, by selecting the EMERGENCY SHUTDOWN mode on the remote transmitter, which is indicative of a hazard event, and constitutes a current status, or status message, in that it informs the receiver at the tanker that a problem exists and the valves must be closed.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 7, 12, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,263,824 to Waldbeser et al., with respect to claims 1 and 8, and further in view US Patent No. 6,580,367 US to Roach.

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10. As for claim 15, it has been shown above, that the Waldbeser reference teaches a solenoid for controlling the operation of a valve, by receiving a signal indicative of an emergency situation. While Waldbeser may not specifically disclose a transducer or sensor, for detecting a parameter onboard a vehicle, the Roach reference, in column 5, lines 10-14, teaches detecting numerous vehicle parameters, such as collision, smoke or fire, wherein an information dispatch device transmits detected data to a GPS unit, for determining the location of a hazard event, and informs the proper personnel. In any event, such sensed data could also be used to initiate other courses of action, such as deactivating a dispensing valve. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Waldbeser and Roach, for the purpose of establishing a safety protocol, which reduces both the risk to human life, and the need for manual activation.

11. As for claims 16 and 17, Figures 4 and 5 of Roach, show the information dispatch device 28, which includes a sensor, or transducer, 60, and a push button 40, which is for manually activating the system, or detecting a hazard through operator input.

12. With regard to claim 18, as shown above, Waldbeser teaches a receiver which receives a remote signal, which in turn signals a solenoid to close a valve, due to a hazard event.

13. As for claims 5 and 12, Roach teaches that sensor 60 can sense fire, smoke, impact, if the vehicle has flipped on its side (column 8, lines 17-20) or any other

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hazardous situation. With respect to fire sensors, exceeding a predetermined threshold, such as a temperature limit, is well known in the art of fire detectors.

***Allowable Subject Matter***

14. Claims 7 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George A. Bugg whose telephone number is (571) 272-2998. The examiner can normally be reached on Monday-Thursday 9:00-6:30, and every other Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George A Bugg  
Examiner  
Art Unit 2636

December 7, 2005



JEFFERY HOFSAAS  
SUPERVISORY PATENT EXAMINER  
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